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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ASSOCIATED PRESS, Plaintiff, | **ECF CASE** |
| - v.- | 05 Civ. 5468 (JSR) |
| UNITED STATES DEPARTMENT OF DEFENSE, Defendant. | |

**SUPPLEMENTAL DECLARATION OF SARAH S. NORMAND**

SARAH S. NORMAND, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for defendant the United States Department of Defense ("DOD"). I have been assigned to defend this matter, and am fully familiar with the facts pertaining to it.

2. I submit this declaration in further support of DOD's motion for summary judgment in this matter, and in opposition to plaintiff the Associated Press's ("AP's") cross-motion for summary judgment.

3. On July 7 and 8, 2005, DOD produced to AP the documents at issue in

Dockets.Justia.com

AP's January 18, 2005 request pursuant to the Freedom of Information Act ("FOIA"). See Exhs. A-B. AP's counsel did not advise DOD at any time after the production that its January 18, 2005 request for "details and explanations of the decisions made to release or transfer detainees" sought documents beyond those generated in connection with the Administrative Review Board ("ARB") proceedings. AP sought clarification of other aspects of DOD's production, see Exh. C, but at no time sought clarification or additional production regarding that request.

4. In a telephone conversation on March 13, 2006, AP's counsel, David A. Schulz, Esq., confirmed that, other than detainee identifying information, AP does not contest DOD's withholding of information from the documents at issue in this case pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

5. A true and correct copy of the July 7, 2005 letter from Assistant U.S. Attorney Elizabeth Wolstein to David A. Schulz, Esq., is attached hereto as Exhibit A.

6. A true and correct copy of the July 8, 2005 letter from Assistant U.S. Attorney Elizabeth Wolstein to David A. Schulz, Esq., is attached hereto as Exhibit B.

7. A true and correct copy of the September 16, 2005 letter from David A. Schulz, Esq., to Assistant U.S. Attorney Elizabeth Wolstein is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 13, 2006

s/ Sarah S. Normand
SARAH S. NORMAND
Assistant United States Attorney